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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,041	10/29/2001	Yukihito Ikami	09952-062001	3947
27572	7590	03/14/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			BAYARD, DJENANE M	
			ART UNIT	PAPER NUMBER
			2141	

DATE MAILED: 03/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/000,041

Applicant(s)

IKAMI ET AL.

Examiner

Djenane M Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/29/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,339,785 to Feigenbaum.

a. As per claims 1 and 19, Feigenbaum teaches a download method for downloading data from a delivery server to a plurality of user terminals, comprising the steps of: forming a download user network with a plurality of user terminals which download same data; said delivery server dividing said data into data portions so that said data portions are assigned to said plurality of user terminals, respectively (See col. 2, lines 50-55); downloading said assigned data portions from said delivery server to said plurality of user terminals, respectively; and mutually transmitting said downloaded data portions among said plurality of user terminals so that each of said plurality of user terminals obtains all said data portions which constitute said data (See col. 2, lines 60-67).

b. As per claim 2, Feigenbaum teaches the claimed invention as described above.

Furthermore, Feigenbaum teaches wherein said dividing step is performed according to a number

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of said plurality of user terminals (See col. 2, lines 50-55)

c. As per claim 3, Feigenbaum teaches the claimed invention as described above. Furthermore, Feigenbaum teaches selecting one of said plurality of user terminals as a representative user terminal; and said representative user terminal transmitting information from which the number of said plurality of user terminals is obtained to said delivery server (See col. 3, lines 10-25).

d. AS per claim 4, Feigenbaum teaches the claimed invention as described above. Furthermore, Feigenbaum teaches wherein said representative user terminal gathering communication environment information on each of said plurality of said user terminals; and said representative user terminal transmitting said gathered communication environment information to said delivery server, wherein said dividing step is performed according to said communication environment information (See col. 2, lines 60-67).

e. As per claim 5, Feigenbaum teaches the claimed invention as described above. Furthermore, Feigenbaum teaches wherein said dividing step is performed so that said data portions overlap each other according to said communication environment information (See col. 3, lines 40-45).

f. As per claim 6, Feigenbaum teaches the claimed invention as described above. Furthermore, Feigenbaum teaches wherein said representative user terminal notifies said

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delivery server of an addition of a new user terminal to said download user network if said new user terminal joins said download network between completion of said forming step and beginning of said mutual transmitting step, wherein said delivery server redivides said data into new data portions in response to the addition of said new user terminal so that said new data portions are reassigned to said new user terminal and said plurality of said user terminals, respectively, and wherein said downloading step is achieved by downloading said reassigned data portions from said delivery server to said new user terminal and said plurality of user terminals, respectively (See col. 2, lines 50-67).

g. As per claim 7, Feigenbaum teaches the claimed invention as described above. Furthermore, Feigenbaum teaches wherein a new user terminal obtains all said data portions which constitute said data from said plurality of user terminals during said mutual transmitting step if said new user terminal joins said download user network between completion of said forming step and beginning of said mutual transmitting step (See col. 3, lines 5-25)

h. As per claim 8, Feigenbaum teaches the claimed invention as described above. Furthermore, Feigenbaum teaches wherein if one of said plurality of user terminals is disconnected from said delivery server between completion of said forming step and beginning of said mutual transmitting step, said delivery server redivides said data into new data portions so that said new data portions are reassigned to said plurality of user terminals except said disconnected user terminal, and wherein said downloading step is achieved by downloading said reassigned data portions from said delivery server to said plurality of user terminals except said

disconnected user terminal, respectively (See col. 3, lines 40-55).

i. As per claim 9, Feigenbaum teaches the claimed invention as described above.

Furthermore, Feigenbaum teaches wherein said representative user terminals gives said plurality of user terminals an instruction to start the mutual transmitting step when said representative user terminal determines that said downloading step is completed in all said plurality of user terminals, and wherein said mutual transmitting step is started simultaneously in all said plurality of user terminals in response to said instruction (See col. 2, lines 50-67).

j. As per claim 10, Feigenbaum teaches the claimed invention as described above.

Furthermore, Feigenbaum teaches wherein said mutual transmitting step is started severally in each of said plurality of user terminals when said downloading step is completed in the user terminal (See col. 2, lines 50-67).

k. As per claim 11, Feigenbaum teaches the claimed invention as described above.

Furthermore, Feigenbaum teaches generating a split download map including information on correspondence between said plurality of user terminals and said data portions assigned thereto; and attaching said split download map to each of said data portions, wherein said split download map is downloaded with each of said data portions to each of said plurality of user terminals in said downloading step (See col. 2, lines 50-67).

l. As per claim 12, Feigenbaum teaches a user terminal for downloading data from a

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delivery server comprising: means for forming a download user network with at least one other user terminal which downloads same data as said user terminal downloads; means for downloading a data portion of said data from a delivery server (See col. 2, lines 50-55); means for transmitting said downloaded data portion to said other user terminal and receiving rest of said data from said other user terminal; and means for combining said downloaded data portion and said received rest into said data (See col. 2, lines 60-65).

m. As per claims 13 and 21, Feigenbaum teaches a delivery server for delivering same data to a plurality of user terminals comprising: means for dividing said data into data portions so that said data portions are assigned to said plurality of user terminals, respectively; and means for transmitting said assigned data portions to said plurality of user terminals, respectively (See col. 45-55).

n. As per claims 14 and 18, Feigenbaum teaches the claimed invention as described above. Furthermore, Feigenbaum teaches forming a download user network with a plurality of user terminals which download same data; selecting one of said plurality of user terminals as a representative user terminal of said download user network (See col. 2, lines 45-55); downloading said data from said delivery server to said representative user terminal; and transmitting said downloaded data from said representative user terminal to each of said plurality of user terminals (See col. 2, lines 55-65).

o. As per claim 15, Feigenbaum teaches the claimed invention as described above.

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Furthermore, Feigenbaum teaches wherein a user terminal whose parameter representing the communication environment of the user terminal is the highest among said plurality of user terminals is selected as said representative user terminal in said selecting step (See col. 3, lines 5-20).

p. As per claim 16, Feigenbaum teaches the claimed invention as described above.

Furthermore, Feigenbaum teaches wherein said downloading step is achieved by dividing said data into data portions and sequentially downloading said data portions from said delivery server to said representative user terminal, and wherein said transmitting step is started during said downloading step so that each of said data portions is transmitted to each of said plurality of user terminals immediately after the data portion is received (See col. 3, lines 20-37).

q. As per claim 17, Feigenbaum teaches the claimed invention as described above.

Furthermore, Feigenbaum teaches wherein said transmitting step is started during said downloading step so that said representative user terminal sequentially extracts a data fragment from an already received portion of said data and transmits said data fragment to each of said plurality of user terminals immediately after said portion is received (See col. 2, lines 45-67).

r. As per claims 20 and 22, Feigenbaum teaches the claimed invention as described above.

Furthermore, Feigenbaum teaches wherein said delivery server communicates with said plurality of user terminals via a wide area network (See col. 2, line 49).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,623,603 to Jiang et al teaches a method of transferring data at adjustable levels of priorities to provide optimum response to user demands.

U.S. Patent No. 6,070,191 to Narendran et al teaches a data distribution techniques for load-balancing fault-tolerance web access.

U.S. Patent No. 6,374,336 to Peters et al teaches a computer system and process for transferring multiple high bandwidth streams of data between multiple storage units and multiple applications in a scalable and reliable manner.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Djenane Bayard

Patent Examiner

A handwritten signature in black ink, appearing to read 'Rupal Dharia', with a long horizontal flourish extending to the right.

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER